

Y098  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

188.574

In re application of:  
H. Engelhardt, et al.  
Serial No.: 10/532,779  
Filed: 04/22/2005  
For: FINGER ... ENGINE

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Hedman and Costigan  
1185 Avenue of the Americas  
New York, NY 10036

DECLARATION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Helmut Engelhardt, a citizen of Germany, residing at Schumannstrasse 30, 91074 Herzogenaurach, Germany and Johann Kecker, a citizen of Germany, residing at Hauptstrasse 1, 91074 Herzogenaurach, Germany, hereby depose and say:

That they are the original and first joint inventors together with Jörg Michel, a citizen of Germany residing at Unterleupoldsberg 4, 95131 Schwarzenbach am Wald, Germany of the subject matter which is claimed and for which a patent is sought on the invention entitled:

FINGER LEVER OF A VALVE TRAIN OF AN INTERNAL COMBUSTION ENGINE

We hereby state that we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment referred to above.

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We acknowledge the duty to disclose information known to us to be material to the examination of this application as defined by 37 CFR 1.56.

**FOREIGN AND DOMESTIC PRIORITY CLAIMS UNDER 35 USC 119  
AND PRIOR FOREIGN/PCT APPLICATIONS**

I hereby claim foreign or domestic priority benefits under 35 USC 119 or 365(b) for any United States provisional patent application or foreign application(s) for patent or inventor's or plant breeder's rights certificate(s) or under 35 USC 365(a) for any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's or plant breeder's rights certificate(s) or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

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COUNTRY/APPLICATION NO. (if PCT, indicate "PCT")	DATE OF FILING (month/day/year)	PRIORITY CLAIMED UNDER 35 USC 119
PCT/EP03/11343	10/14/03	[ X ] YES [ ] NO
Germany DE 102 49 560.2	10/24/02	[ X ] YES [ ] NO
		[ ] YES [ ] NO
		[ ] YES [ ] NO

**PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS  
DESIGNATING THE U.S. FOR BENEFIT UNDER 35 USC 120**

I hereby claim the benefit under 35 USC 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first

paragraph of 35 USC 112, I acknowledge the duty to disclose material information as defined in 37 CFR 1.56 which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:111

PCT/US APPLICATION NO.	PCT/US FILING DATE	PATENTED	PENDING	ABANDONED
		[ ]	[ ]	[ ]
		[ ]	[ ]	[ ]
		[ ]	[ ]	[ ]
		[ ]	[ ]	[ ]

That Ina-Schaeffler KG is the Applicant in the above-identified international application.

That Ina-Schaeffler KG acquired the invention described and claimed in the international application and is the Applicant of the German application.

That Helmut Engelhardt and Johann Kecker have executed a document confirming that their rights in the invention belong to INA-Schaeffler KG.

That the other inventor Jörg Michel was named as joint inventor of the invention described and claimed in the above-identified German application.

**POWER OF ATTORNEY AND CORRESPONDENCE ADDRESS**

I hereby appoint the following attorneys at the address listed below to prosecute this application and to transact all business in the U.S. Patent and Trademark Office

connected therewith and to receive all correspondence in connection with this application:

Charles A. Muserlian, Registration No. 19,683

ADDRESS: Hedman and Costigan, P.C. CUSTOMER NO. **47888**  
1185 Avenue of the Americas  
New York, NY 10036  
Tel: 212-302 8989  
Fax: 212-302 8998

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor Helmut Engelhardt Date 2005-08-05  
Helmut Engelhardt

Inventor Johann Kecker Date 2005-08-05  
Johann Kecker

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

*YJRS*

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PATENT & TRADEMARK OFFICE  
MAY 2005  
Re application of:  
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Hedman and Costigan  
1185 Avenue of the Americas  
New York, NY 10036

DECLARATION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Matthias Becker hereby deposes and says

That he is an employee of INA-Schaeffler KG in the patent department and is responsible for the above patent application.

That Jörg Michel submitted an invention disclosure concerning the invention claimed in the above application which was accepted under the German law by a letter dated September 17, 2002 as can be seen from Exhibit A submitted herewith with an English translation thereof.

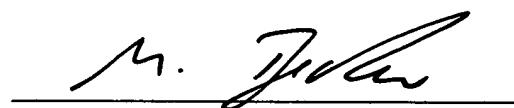
That the above application, declaration and assignment were submitted to Mr. Michel by a letter of Mr. Becker of April 20, 2005 (Exhibit B and translation) for signature to which there was no response by Mr. Michel.

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That Mr. Becker followed up with Mr. Michel by a letter of June 1, 2005 requesting that the executed documents for the above application be returned as soon as possible (Exhibit C and translation).

That to date, Mr. Michel has refused to execute the application which under German law belongs to INA-Schaeffler KG as can be seen from exhibit D.

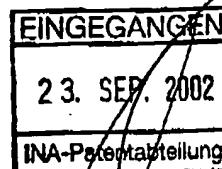
The undersigned petitioner declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 Title 18 of the U.S. Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.



---

Matthias Becker

Exhibit A



INA-Schaeffler KG · 91072 Herzogenaurach

Herrn  
Jörg Michel

IAMMIE-EGD

INA-SCHAEFFLER KG  
Ein Unternehmen der INA Holding Schaeffler KGHausadresse: Telefon (0 91 32) 82 - 0  
Industriestraße 1 - 3 Telefax (0 91 32) 82 - 49 50  
91074 Herzogenaurach Internet: www.ina.comSitz: Herzogenaurach  
Registergericht: Amtsgericht Nürnberg

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AUG 17 2005

Ihr Zeichen

Ihre Nachricht vom

Unser Zeichen

Telefon Durchwahl

(0 91 32) 82 - 3389

Telefax Durchwahl

(0 91 32) 82 - 4946

Datum

OFFICE OF PETITIONS

IT/HZA-GTV/Bc-sg

E 2002106

Hr. M. Becker

in hand

E 2002 106 = Number invention report

6038 6099 = in hand number after filing

Ihre Erfindungsmeldung Nr. 2002106

'Verbindungselement zwischen Schlepphebel und hydraulischem Abstützelement'

Sehr geehrter Herr Michel,

hiermit nehmen wir Ihre in obiger Erfindungsmeldung offenbare Diensterfindung im Namen Ihres Arbeitgebers

unbeschränkt in Anspruch.

Wir weisen Sie darauf hin, dass die Erfindung mindestens bis zur Einreichung der deutschen Schutzrechtsanmeldung geheimzuhalten und jede beabsichtigte Information Dritter der Patentabteilung rechtzeitig mitzuteilen ist. Aufgrund Ihrer Erfindungsmeldung werden wir zunächst in Deutschland eine Schutzrechtsanmeldung einreichen.

Bitte bestätigen Sie uns den Erhalt dieses Schreibens auf dem beigefügten Durchschlag.

INA Schaeffler KG

ppa.

i. V.

Anlage: 1 Doppel

(Carstensen)

(Brake)

erhalten am: 19.09.02

J. Michel  
(Unterschrift)

Translation of letter dated 2002-09-17 to Mr. Michel, captioned:

**IT/HZA-GTV/Bc-sg**

**E 2002106**

**Hr. M. Becker**

**Your Invention Report No. 2002106**

**"Connecting element between a finger lever and a hydraulic support element"**

Dear Mr. Michel,

On behalf of your employer, we herewith lay unrestricted claim to your service invention disclosed in the captioned Invention Report.

Please note that the invention is to be treated as confidential at least till the time of filing the German patent application and any information given intentionally to third parties is to be intimated to us in due time. On the basis of your invention report, we will at first file a patent application in Germany.

Please confirm receipt of this letter on the attached copy.

INA-Schaeffler KG

ppa.

i. V.

Encl.: 1 duplicate

(Carstensen)

(Brake)

received on:.....

(Signature)

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Exhibit B

Herrn  
Jörg Michel  
Unterleupoldsberg 4  
95131 Schwarzenbach a. Wald

| IT/HZA-GTV/Bc-sg  
4099-18-US  
M. Becker

82-3389 82-4946

2005-04-20

New U.S. Patent Application  
"Schlepphebel eines Ventiltriebs einer  
Brennkraftmaschine"

Sehr geehrter Herr Michel,

anliegend übersenden wir Ihnen ein Exemplar unserer o. g. Patentanmeldung sowie  
ein Assignment und eine Declaration.

Wir bitten Sie, das Assignment und die Declaration an den angekreuzten Stellen mit  
ausgeschriebenem Vor- und Zunamen zu unterschreiben und handschriftlich in  
amerikanischer Form (z. B. April 12, 2005) zu datieren. Wegen des Ablaufs von  
amtlichen Fristen bitten wir Sie, uns die Unterlagen umgehend zurückzusenden. Für  
Ihre Bemühungen im voraus besten Dank.

Mit freundlichen Grüßen  
INA-Schaettler KG

i.V.

  
(M. Becker)

i.A.

  
(Siegrid Grahm)

Anlage

6-1 / 6

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Translation of two identical letters written to Mr. Michel dated 2005-04-20 and  
bearing the references:

4099-18-US

4098-18-US

**New U.S. Patent Application**  
**"Finger lever of a valve train of an internal combustion engine"**

Dear Mr. Michel,

Enclosed please find a copy of our above-mentioned patent application and an Assignment and a Declaration.

We request you to sign the Assignment and the Declaration at the marked places with first name and surname in full and to date them in handwriting in American style (e.g. April 12, 2005). Due to official deadlines, we request that you return the documents to us immediately. Thanking you in advance for your trouble.

With best wishes,  
INA-Schaeffler KG

i.V.

i.A.

(M. Becker)

(Siegrid Grahm)

Enclosure

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30/06 2005 10:41 FAX +49 9132824

INA-SCHAFFLER PATENTE

→ MU

004

Exhibit C

Herrn  
Jörg Michel  
Unterleupoldsberg 4  
95131 Schwarzenbach a. Wald

IT/HZA-GTV/Bo-sg  
4099-18-US  
M. Becker

82-3389      82-4946

2005-06-01

New U.S. Patent Application  
"Schlepphebel eines Ventiltriebs einer  
Brennkraftmaschine"

Sehr geehrter Herr Michel,

wir erinnern an unser Schreiben vom 20.04.2005 und bitten Sie nochmals, uns die unterschriebenen Dokumente (Assignment und Declaration) so schnell wie möglich zurückzusenden. Vielen Dank.

Mit freundlichen Grüßen  
INA-Schaefller KG

i.V.

  
(M. Becker)

i.A.

  
(Siegrid Grahm)

Anlage

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Translation of two identical letters written to Mr. Michel dated 2005-06-01 and  
bearing the references:

4099-18-US

4098-18-US

**New U.S. Patent Application**  
**“Finger lever of a valve train of an internal combustion engine”**

Dear Mr. Michel,

We remind you of our letter of 20.04.05 and request you once again to send us the signed documents (Assignment and Declaration) as soon as possible. Thank you.

With best wishes,

INA-Schaeffler KG

i.V.

i.A.

(M. Becker)

(Siegrid Grahm)

Enclosure

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